

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7245

BILL NUMBER: HB 1672

NOTE PREPARED: Jan 20, 2005

BILL AMENDED:

SUBJECT: Immunity Involving Drugs and Medical Devices.

FIRST AUTHOR: Rep. Torr

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that manufacturers and sellers of drugs and medical devices are not subject to liability in a product liability action if: (1) the Food and Drug Administration (FDA) approved the drug or medical device as safe and effective; and (2) the FDA approval was in effect when the drug or medical device was sold to or for use by a user or consumer who was injured by the drug or medical device.

The bill provides that a health care provider is immune from civil liability for injuries sustained by a person as a result of taking a drug or using a medical device if the health care provider prescribed or dispensed the drug or medical device for the person in accordance with: (1) instructions approved by the FDA; or (2) the standard of medical care in effect at the time the drug or medical device was prescribed or dispensed for the person.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Any fiscal impact to the state would be a result of the ability to claim immunity from liability for actions taken in the provision of health care services in one of the state's institutions.

Explanation of State Revenues:

Explanation of Local Expenditures: Any fiscal impact to a county or municipality would be a result of the ability to claim immunity from liability for actions taken in the provision of health care services in one of the local unit's institutions.

Explanation of Local Revenues:

State Agencies Affected: Agencies involved in the provision of health care services.

Local Agencies Affected: Municipally and county-owned hospitals and nursing facilities.

Information Sources:

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